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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,736	06/13/2006	Simon Udo	ESQ0650.001	5018

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EXAMINER

PAGAN, JENINE MARIE

ART UNIT	PAPER NUMBER
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3728

NOTIFICATION DATE	DELIVERY MODE
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04/06/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/582,736	Applicant(s) UDO ET AL.	
	Examiner JENINE M. PAGAN	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/26/2009 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 5-8 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The term bridge part used in place of spars is not equivalent. A bridge part is a link from one point to the other and a spar is a gap.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Parkhurst et al. (US 5,412,372).

Claim 1: Parkhurst discloses:

- a blister package (20,30) and a conductor carrier strip (180) connected to it, wherein openings (122) in the conductor carrier strip (180) are directed toward pockets (22,32) of the blister package (20), and wherein, upon removal of a tablet (21) from a pocket (22,32), a sealing film (150) of the blister package (20) sealing the pocket (22,32) must be separated, and the tablet (21) is removable through an opening (122) assigned to it, the improvement wherein the openings (122) are formed by stamped lines (164) positioned within the conductor carrier strip (180) that surround each of the pockets (22,32) in a ring shape, and that are interrupted by at least two bridge part (172) by means of which a covering (148), separated by the stamped line (164) out of the conductor carrier strip (180) and covering (148) the pocket (22,32), is connected with the conductor carrier strip (180); wherein the bridge part (172) are so distributed about the periphery of the stamped line (164) that, when a tablet (21) is pressed out from a pocket (22,32), at least one bridge part (172) is severed; and wherein the conductor carrier strip (180) includes individual conductors (156) each of which extends from an individual connecting pad (181) over at least the one bridge part (172) that is severed upon tablet (21) removal

Claim 2: Parkhurst discloses:

- each individual conductor (156), at its end opposite its associated individual connection pad (181), is connected with a common conductor which is connected to a common connection pad (154)

Claim 3: Parkhurst discloses:

- the individual connecting pads (181) and the common connection pad (154) are components of an interface (112), which upon insertion of the blister package (20,30) arrangement in a receiver device (110), effect a defined position orientation and is electrically connected with an electronic unit in the receiver device (110) to detect the severance of the individual conductors (156)

Claim 4: Parkhurst discloses:

- the stamped lines (164) have a shape selected from the group consisting of rectangular, circular, and oval

Claim 5: Parkhurst discloses:

- the two bridge part 172 each lie along the direction of the longer extension of the stamped line (164)

Claim 6: Parkhurst discloses:

- the two bridge parts 172 each lie along the direction of the longer extension of the stamped line 164

Claim 7: Parkhurst discloses:

- the individual conductor (156) extends over the first and the additional bridge part 172

Claim 8: Parkhurst discloses:

- the individual conductor (156) extends only over one of the bridge part 172 from the conductor carrier strip (180) to the covering (148), and from the covering (148) back to the conductor carrier strip (180) as a loop, whereby the conductor-bearing bridge part (172) is positively severed upon tablet (21) removal

Claim 9: Parkhurst discloses:

- the conductor carrier strip (180) includes the individual conductors (156) on the side facing away from the blister package (20,30), and is attached to the side facing toward the blister package (20,30) by means of the sealing film (150) of the blister package (20,30)

Claim 10: Parkhurst discloses:

- the conductor carrier strip (180) is at least partially provided with an electrically insulating protective layer (152) on its side facing away from the blister package that covers at least the individual conductors (156) and a common conductor

Claim 11: Parkhurst discloses:

- the conductor carrier strip (180) includes the individual conductors (156) on its side facing toward the blister package (20,30), and that the side of the conductor carrier strip (180) facing toward the blister package (20,30)

is provided with an electrically insulating layer covering (152) the individual conductors (156), and wherein the side of the electrically insulating layer (152) facing toward the blister package (20) is connected with the sealing film (150) of the blister package (20,30)

Claim 12: Parkhurst discloses:

- the electrically insulating layer (152) is provided with an adhesive layer that may be connected with the sealing film (150) of the blister package (20,30) (Column 6, Lines 59-68)

Claim 13: Parkhurst discloses:

- the adhesive layer is covered by a tear film that may be separated from the adhesive layer in order to connect the adhesive layer to the sealing film (Column 6, Lines 59-68)

Claim 14: Parkhurst discloses:

- the conductor carrier strip (180) projects over the blister package (20,30) at least on the side of the interface (112)

Claim 15: Parkhurst discloses:

- the conductor carrier strip (180) forms a first component of the carrier strip that folds like a book, and a second component forms at least one of an insertion opening (122) for each pocket (22,32) of the blister package (20,30) and a common insertion opening (122) for all pockets (22,32) of the blister package (20,30), and may be folded about a fold line with respect to the conductor carrier strip (154) so that the blister package (30)

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is accepted between the conductor carrier strip (154) and the second part, whereby each pocket (22,32) of the blister package extends through an insertion opening (122) of the second component or all pockets (22,32) of the blister package (20,30) through the common insertion opening (122) of the second component, and wherein the conductor carrier strip (154), the blister package (20,30), and the second component receiving the pockets (22,32) of the blister package (20,30) are connected with each other

Claim 16: Parkhurst discloses:

- the conductor carrier strip (180) and the second component project over the blister package (20,30) at least on the side of an interface (112) of the conductor carrier strip (180) with a receiver device (110)

Claim 17: Parkhurst discloses:

- the conductor carrier strip (180) and the second component project over the blister package (20,30) on all side

Claim 18: Parkhurst discloses:

- the fold line extends along the longer side of the conductor carrier strip (180) and the second component

Claim 19: Parkhurst discloses:

- the conductor carrier strip (180), the blister package (20,30) and the second component receiving the pockets (22,32) of the blister package (20,30) are adhered together

Claim 20: Parkhurst discloses:

- the electrically insulating layer (152) is simultaneously an adhesive layer that may be connected to the sealing film (150) of the blister package (20,30)

Response to Arguments

6. Applicant argues with respect to claims 1 and 5-8, that Applicant is allowed to be its own lexicographer, with respect to the terminology of the word "gap" and "spar". There must be a specific definition included in the specification for the terms that are not to be taken as their definition. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). Applicant makes no use of the term "bridge part" in the specification and therefore there can be no special definition assigned to the term. Applicant has failed to define the term as something other than the accepted meaning. The reliance on "spar" within the specification with subsequent use of a "bridge" term in the claim serves only to muddy the waters before one of ordinary skill in the art and in no way represents the clear definition of a term that would be required to act as their own lexicographer.

7. Applicant's arguments with respect to claims 1-20 have been considered but are unpersuasive. The Applicant argues that Parkhurst does not disclose the openings are formed by a stamped line positioned on a conductor carrier strip, where the stamped

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line surrounds a pocket in a ring shape. There also exist no bridge parts interrupting the stamped line in such a way that a covering is formed and separated by the stamped line out of the conductor carrier strip, whereby the bridge parts connect the covering with the conductor carrier strip. Finally, there are no individual conductors extending over at least one bridge part that is broken during a tablet removal. Parkhurst discloses an conductor carrier as referred to as 180 that extends over the opening of 122 and also contains a gap 172 that separates the slits that are referred to as 164. The tablet is essentially removed from the package through 122/164/172/180. The Applicant also argues the expense of making the invention disclosed by Parkhurst, it is not stated in the reference the expense of making the product therefore the argument can not be made as to the merit of which invention would be cheaper.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENINE M. PAGAN whose telephone number is (571)270-3216. The examiner can normally be reached on Monday - Thursday, 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Gregory Pickett/
Primary Examiner, Art Unit 3728

/Jenine M Pagan/
Examiner, Art Unit 3728